**Secretary to the Council :** The Title of the Bill is the Cochin Cattle Diseases Prevention Act (Amendment) Bill.

**Mr. K. Balakrishna Menon** *(Minister for Food and Education)*: I move that S. O. 32 may be suspended.

**Mr. President :** S. O. 32 is suspended.

**Mr. K. Balakrishna Menon** *(Minister for Food and Education)*: I move that the Bill be taken into consideration.

**Mr. M. Sivarama Menon** (*Constitutional Adviser*) I second it.

*Motion put and carried.*
*Clause 2 put and carried.*
*Clause 1 put and carried.*
*Title and preamble put and carried.*

**Mr. K. Balakrishna Menon** *(Minister for Food and Education)*: I move that the Bill may be taken up and finally passed at the next meeting of the Legislative Session.

**Mr. P. Raman Menon** *(Advocate-General)*: I second it.

*Motion put and carried*

### (7) The Cochin Motor Vehicles Act (Amendment) Bill—(Not moved)

**Rao Bahadur T. K. Nayar** *(Prime Minister)*: I am not moving the Cochin Motor Vehicles Act (Amendment) Bill because that has been dropped.

### (8) The Cochin Revenue Recovery Act (Amendment) Bill

**Mr. Parambi Lonappen** *(Minister for Revenue)*: I am not moving the Cochin Revenue Recovery Act (Amendment) Bill.

### (9) The Cochin Antiquities Export Control Bill

**Mr. Parambi Lonappen** *(Minister for Revenue)*: I move that the Cochin Antiquities Export Control Bill be read in Council.

**Rao Bahadur T. K. Nayar** *(Prime Minister)*: I second it.

***Mr. Parambi Lonappen** *(Minister for Revenue)*: The Indian Dominion has recently introduced legislation to prevent the export of valuable bodies of antiquarian interest, and has requested this Government also to co-operate with a view to see that such valuable bodies are not depleted. The bill accordingly provides that the antiquities are not to be exported without Government sanction.

Clause 1 as usual Short title and extent. Clause 2 defines 'antiquity' and the 'export'. Clause 3 prohibits export of any antiquity except under license issued by Government. Clause 4 relates to the provisions of the Sea Customs Act in respect of antiquities exported whose export is prohibited by this Act. Clause 5 provides for the penalties and procedure. Clause 6 provides that questions whether an article exported is an antiquity for the purpose of this Act is to be referred to the Government Archaeologist whose decision is to be final. Clause 7 empowers Government to make rules. Clause 8 protects action taken under this Act. Clause 9 provides that this Act is an addition to the provision of the Ancient Monuments Preservation Act.

***Mr. P. Govinda Menon** *(Ernakulam)*: From the Statement of Objects and Reasons of this Bill I have not been able to understand the necessity for enacting a law like this. I may be wrong and after hearing some elucidation from Government I may change my view. The statement of objects and reasons is to this effect. 'The Indian Dominion has recently introduced a measure with a view to prevent the free flow out of the country of valu ble objects of antiquarian or historical interest'. That is a statement of facts that under certain legislation of the Government of India export of articles of antiquarian interest from out of India is prohibited. That is to say you cannot export any such article from India say to England, to France or to Africa. After that statement of fact the connecting link between that sentence and the next sentence is missing. The next sentence is 'It is considered necessary to enact a similar measure in this State also.' I do not understand whether this legislation is one of those categories of legislation which this Government has in an informal way agreed with the Government of India to enact here. If that is so, the provisions of the Bill ought to have been different. Now if the Government of India have enacted a legislation prohibiting the export

*Speech not corrected by the Hon'ble Member.



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[Mr. P. Govinda Menon]

of articles of antiquarian interest from out of India, I do not understand why we should prohibit export of articles from out of Cochin. Clause 3 says 'No person shall export any antiquity except under the authority of a licence granted by Government'. Now the object of the Government of India legislation is to see that such articles do not go out of India. If our object is to provide against defeating the purpose of the Indian legislation then we must also say that export from out of India will be prohibited. If export from India to outside India is prohibited by the Indian Legislature I fail to see why Cochin State should pass a legislation prohibiting export from Cochin. I can understand that during the days when there was control of food and other articles, when Travancore for example prevented the export of certain things from Travancore to places outside Travancore, we enacted a legislation that certain things cannot be exported from Cochin to outside Cochin in order that there may be agreement and adjustment between the parties. If the Government of Cochin is satisfied that export of articles to outside Cochin has to be prohibited for reasons which they will explain in this House I can understand a Bill like this. But the logic of the argument that because the Government of India wanted to prevent export of articles to foreign countries therefore Cochin has to prevent exports from out of Cochin is not understandable. I am of course open to correction. There may be something more in this. I may repeat what stated earlier. If the object of this legislation is to see that the object of the Indian legislation is not defeated, what we must say is, export of such articles.....

**Mr. P. Raman Menon** *(Advocate-General):* Not only that a corresponding legislation is sought here also.

**Mr. P. Govinda Menon** *(Ernakulam):* Is it a sort of what shall I say a retaliatory action is that so? If it is falling in line it is not export from Cochin that has to be prevented. Is it not enough if you say that such articles shall not be exported to foreign territories—territories beyond the Indian Dominion. That is the genuine doubt I am feeling.

Now Sir, what are the things which are covered by this. There is a practical difficulty. That is why I raised this question. The geographical position of Cochin is such that you cannot move from Ernakulam a distance more than one mile without getting into another territory. What are the objects which are prohibited. 'Antiquity', includes any coin, sculpture manuscript, epigraph or other work of art or craftsmanship; any article, object or thing detached from a building or cave; any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages; any article, object or thing declared by Government by notification in the Cochin Government Gazette to be an antiquity for the purposes of this Act, which has been in existence for not less than one hundred years; and 'export means export from Cochin State by sea, land or air. Therefore if you want to take an article from Ernakulam to Trichur, a difficulty will arise. You will have to get a license. If you have got an old manuscript say, an old Grantha which is considered to be the composition of Thunchathu Eluthassan, or one writer, investigator or research worker has got that Grantha with him and he wants to go from Ernakulam to Trichur he must take license from such authority, which authority God alone knows subsequently the authority will be appointed. Therefore I am humbly suggesting that as at present advised, I hope you will be able to throw light, the object which Government ought to have in mind will be completely satisfied if the word 'export', the meaning of the word 'export' is changed to mean that 'export' means export from out of India. In that case you can go to Trichur with these articles without any license. You can go to Malabar with these articles. If you want to board ship in the port of Cochin which goes say, to South Africa or England then alone license will be required and that, will help this Government to co-operate with the Government of India to to see that the Government of India legislation, the purpose of that is not defeated. I wish to hear on this matter from Government. I request Government not to stand on prestige, if there is something which has been overlooked. There is no hurry about this matter. You can reconsider the question. Probably I have committed a mistake.

**Mr. P. Raman Menon** *(Advocate-General)*: As was correctly anticipated by my Hon'ble friend this legislation, no doubt, was necessitated by a similar legislation in the Indian Union and it is as a matter of fact for coming into line with the Indian legislation that this enactment is proposed. The object of the enactment is not as the Hon'ble member has said to prevent exportation from the Indian Union. It is corresponding to the purpose which the Indian Union itself has of conserving all such rare things within the confines of the Indian Union

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This State in conformity with that policy pursued by the Indian Union has adopted the same policy of conserving its own rare things within the confines of the State. Similarly the Indian Union expects all States to make similar legislation. It is not to help the Indian Union to prevent export from the Indian Union that the Cochin State is expected to pass a legislation. If the definition of 'export' as suggested by the Hon'ble Member is adopted it will read like this: 'export' means export from Cochin State to places outside the Indian Union. If that suggestion of my Hon'ble friend is accepted I do not know how it will be possible for the State to enforce it. Suppose some rare article is taken beyond Shoranur with a view to take it beyond Bombay how can the Cochin State prevent it. It will be an export to a place beyond the Indian Union itself. How can we legislate for areas beyond Cochin State?

**Mr. P. Govinda Menon** (*Ernakulam*): Without interruption, if an article like this is taken from Cochin to Bombay and if the person in possession of the article wants to take it from Bombay then the Bombay authorities will intervene.

**Mr. P. Raman Menon** (*Advocate-General*): Certainly.

**Mr. P. Govinda Menon** (*Ernakulam*): So that if that is the contention of the Government that its object is to see that these things are preserved in Cochin then I can understand the legislation.

**Mr. P. Raman Menon** (*Advocate-General*): That is certainly the purpose.

**Mr. P. Govinda Menon** (*Ernakulam*): It was the Statement of objects and reasons that misled me. Even if the Government of India did not have such a legislation we can have it.

**Mr. P. Raman Menon** (*Advocate-General*): I do not know how it was so misleading to my Hon'ble friend. The objects and reasons state 'The Indian Dominion has recently introduced a measure with a view to prevent the free flow out of the country of valuable objects of antiquarian or historical interest. It is considered necessary to enact a similar measure in this State also'. Everybody would accept the meaning of that expression with the words *mutatis mutandis* added to it, say with a view to prevent export not from the Indian Union, but only with a view to prevent export from the confines of Cochin State. Nobody will understand it in the manner in which the Hon'ble Member has chosen to understand.

**Mr. K. Ayyappan** (*Ezhuvas-Kanayannur*): On a point of information. If I have a Roman coin, can I take it?

**Mr. P. Raman Menon** (*Advocate-General*): You cannot; you can get a permit. What is the insuperable difficulty about it? It is on account of the unhappy configuration of the Cochin State that some such difficulties are bound to arise.

**Mr. P. Govinda Menon** (*Ernakulam*): The Government may consider whether it is necessary.

**Mr. P. Raman Menon** (*Advocate-General*): It is up to the Hon'ble Members to say whether these objections require serious consideration.

മിസിസ്സ് ടി ഫ്രാൻസിസ്സ്: സർ, ഞാൻ ഒന്നു ചോദിച്ചുകൊള്ളട്ടെ! പല പുരാതന കുടുംബങ്ങളിലും പഴയ ഇങ്ങനെ കൊല്ലങ്ങൾക്കുമുള്ള ആഭരണങ്ങളുണ്ട്. ആ ആഭരണങ്ങൾ സാധാരണ പല സ്ത്രീകളും ധരിച്ചുപോകാറുണ്ട്. അപ്പോൾ അതു ഇവിടന്ന് ധരിച്ചുകൊണ്ട് ഇടപ്പിള്ളിവരെ പോകുവാൻ പാടില്ലെന്നാണോ വിചാരിക്കുന്നതു?

മിസ്റ്റർ പി. രാമൻമേനോൻ: സ്ത്രീകൾ ധരിക്കുന്ന ആഭരണം Antiquarian ആഭരണമല്ല. അതു ധരിച്ചസമയം മുതൽ Antiquarian അല്ലാതായി. Antiquarian എന്നുള്ളതിനു പല ഡെഫിനിഷൻസ്സും ഉണ്ട്.

**Mr. P. Kumaran Ezhuthassan** (*Vadakkancheri*): I rise to enquire whether one Hon'ble Member starting his speech in English can pass on to Malayalam and *vice versa*?

**Mr. President:** Yes, he can.

**Mr. P. Raman Menon** (*Advocate-General*): It will never be prevented (referring to Mrs. Francis, observation whether rare old ornaments can be worn).

**Mr. President:** Unless it be an antiquated person (laughter).

മിസിസ്സ് ടി ഫ്രാൻസിസ്സ്: A person like me, an antiquated person. ഇതിൽ കുറച്ചുകൂടി ഒരു സംശയമുണ്ട്. ചില കുടുംബങ്ങളിൽ പഴയ നാണ്യങ്ങളും ഉണ്ടാകും. അതു സാധാരണയായി സ്ത്രീകൾ ഇതരണമായി ഉപയോഗിക്കാറുണ്ട്. ചിലർ ഇതരണമായി പണിതു വെച്ചിരിക്കും. ഇതൊക്കെ ഉപയോഗിക്കുവാൻ പാടില്ലാതെ വരുമോ?



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**Mr. P. Raman Menon** *(Advocate-General)*: It will never come under this Bill. I wish to invite the attention of the Hon'ble Lady Member to the definition of the word 'antiquity'. Antiquity includes any coin, sculpture, manuscript, epigraph or other work of art or craftsmanship.....That itself shows that it is not exhaustive. The definition is only illustrative and not exhaustive. Much will depend upon the rules that will be framed. The Hon'ble Lady Member may refer to clause 7. "The Government may by notification in the Cochin Government Gazette make rules to carry out the purposes of this Act". And when such rules are framed, all the apprehensions of the Hon'ble Member will disappear. Certainly ornaments worn by ladies, however old the ornaments may be, and however antiquated the lady may be, I am sure, will not be brought under the mischief of this Bill.

മിസ്സിസ്സ് ടി ഫ്രാൻസിസ്സ് : അതുപോലെതന്നെ, മാപ്ലോസിഷൻ ലീഡർ പറഞ്ഞതുപോലെ പഴയ പുസ്തകങ്ങളോ, ഗ്രന്ഥങ്ങളോ കൊണ്ടുപോകുന്നതിനു വിരോധമുണ്ടോ?

**Mr. P. Raman Menon** *(Advocate-General)*: If it is of such an antiquarian value, it has got a national value, apart from a personal value the control of such things will, to a certain extent, be exercised by the State. That is the policy underlying this Bill. With regard to the custody, control and movements outside the State, the State wants to exercise some sort of power in such matters. That cannot be avoided and resort to some such license has to be made. I hope these considerations will not weigh against the introduction of such a measure.

***Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*: The discussion here has been the result of, according to me, Sir, the very worst type of loose thinking. Otherwise, such an eminent friend of mine like the responsible Leader of the responsible Opposition could not have stated what he has stated. His illustrations are illustrative of the position that I take up that these observations have been the result of loose thinking. Said he, Sir, that a manuscript, antiquarian manuscript of an eminent author of renown, possessed by my friend or anybody for the matter of that, and if he wants to take it from Ernakulam, his residence, to Trichur, will not a license be necessary? Just to show the absurdity of the proposition that he feels, that he takes, in this provision, I submit, Sir, it is nothing but the result of loose thinking or the result of failure to think correctly or the result of failure to find out what exactly the meaning of the word 'export' is, which, according to the Dictionary, means to carry or send out of the country, not to send out of one part of the country to another part of it, from Ernkakulam to Trichur or from Trichur to Vadakkancheri.

**Mr. P. Govinda Menon** *(Ernakulam)*: It is on account of some looseness somewhere that the correct import is not realised. On account of the geographical position of Cochin, taking from Ernakulam to Trichur means taking from Cochin State into Travancore first and then taking it from Travancore to Cochin State. Even after hearing me, if this is not realised, it is surely due to some loosness.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*: Then, Sir, some sort of looseness elsewhere than in my friend is noted and observed. Very good. I am thankful to him. I am, thankful to the query from behind whether I will come under that. Answer is reserved. Now let me proceed with my observations. There are methods, Sir, by which even the very clever, intelligent way in which the so-called hollowness of my observations of loose thinking from that corner was attempted to be made, there are other methods of getting over that, not that I make anattempt. Of course, if objection is taken, and if any pain is caused by my expression 'loose thinking', I beg to apologise to my learned friend.

**Mr. P. Govinda Menon** *(Ernakulam)*: I too.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri)*: Even without that, let me proceed to say that if it has caused any pain to the environments inclusive of himself, I beg to apologise. I am indifferent as to the reaction but I am on my duties when I find that a mistake though inadvertantly has been committed. Now, Sir, he querried, he prefaced his remarks by saying as at present advised, he is of opinion that this is a piece of legislation as he underetands or as he wants to be informed, if it is the other way by the Government, that is, to fall in line with Indian Dominion Legislation. The Advocate-General, the Government spokesman, who answered fell an easy victim to his mischievous feeler by saying that it is for falling in line while the word used in the statement of objects and reasons says that it is not to fall in line with them, that is, to carry out the objects of the Dominion Government legislation we have done

*Speech not corrected by the Hon'ble Member.

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it. It is not. Probably the sin of the Government or the wisdom of the Government, whatever it is, they were not prepared or they did not think it necessary to have this legislation before the Dominion Parliament went in for such a legislation. Perhaps that would have been the wisdomgiver. It might have been the result of the Dominion Legislature having gone in for such a piece of legislation that they thought that as far as the small Cochin is concerned, but at the same time beautiful, containing very many antiquarian things, they wanted to preserve its antiquarian things of historical interest. I must congratulate the Government for having come forward with this Bill though at this late stage because I know for a fact, Sir, that many an antiquity of Cochin have already left the borders of Cochin never to return and to the detriment and to the loss of Cochin. Therefore, wisdom having dawned at least now, you deserve, Sir, congratulation and not condemnation, and I heartily congratulate you for having come up before this House with this antiquarian legislation, nay, legislation for the preservation of antiquities—because your laws are antiquarian I was turned to that, but I correct myself by saying legislation for the preservation of antiquities. You must insist that no antiquity of the State, I lay emphasis upon this expression, no antiquity of the State should be allowed to go out of the State; preserve it; preserve it; and any legislation, however stringent it be for such preservation of our antiquities must be had, including my learned friend who has not heard me completely and he cannot hear me, including him, whatever he has got in mind, I leave him there. All antiquaries and antiquities of Cochin, nothing should be allowed to be sent out of Cochin. Let Cochin grow richer in its antiquaries and antiquities. For that reason, among many other reasons, there may be visitors from all parts of the globe, visiting this beautiful contry of ours which is growing in ever so many directions, and if our finances are well husbanded it will continue to live for a long time. If the object is to see that we should preserve our antiquaries which have got manifest advantages, I submit, Sir, that this legislation is perfectly good. The drafting may be defective, that of course is the case with almost all our legislations. I must congratulate the Government. My friend's apprehensions have been sufficiently answered by the Government spokesman who said that it is not to fall in line, not to see that the object of the Dominion Legislation are satisfied. If it is not allowed to be exported out of Cochin, it serves the purpose of the Dominion legislation also in a way, because, if it does not go away from Cochin it does not go away from India. Our legislation will help the object of the Dominion legislation in this behalf. If it is, not allowed to go out of Cochin, it is not allowed to go out of India. With these observations I once more congratulate the Government and request the Government will be pleased to bear in mind while answering the queries which are raised that the purpose of those queries might be different from what they seem to be at their face. Therefore, be on your guard, Sir,

**Mr. M. K. Raja** *(Mulakunnathukavu)*: I welcome this measure (hear, hear). It is very essential in the interests of the proper development of our nation-building activities that antiquities and things of archaeological and anthropological value are preserved in tact in our State. And if this measure will serve that purpose, Sir, I for one will not take any objection to a measure like this simply because it was copied from a measure which is before another Legislature.

And in this connection, Sir, I feel that I must differ from the position taken up by my friend the Hon'ble Leader of the Opposition. He suggested that it would be enough for purposes of attaining the object which the Government has in mind if a legislation is enacted to prevent the export of such antiquarian articles from India; and he further proposed that it is not necessary to confine the Act to Cochin alone. The untenability of that position was fully demonstrated by the Hon'ble the Advocate-General. We cannot, we have no jurisdiction to enact a legislation which will be in operation in a place in the Dominion of India. Let us see what the result will be if, as was suggested by the Hon'ble Mr. Govinda Menon, the definition of "export" in the Bill was changed to mean "export outside Indian Dominion". It would really lead to an absurd result. This Government will have then no power to prevent a person from taking an antiquarian article outside Cochin. And an act of our legislature will not confer on us power to prevent its removal outside the Indian Dominion. For, supposing a person took an article, say to Madras with intent to remove it to outside India, how can this Government prevent him from doing so? Therefore I feel that even if this Act is passed with the amendment suggested to clause (b) of section 2, regarding the definition of "export" it would be a dead letter, an infructious Act. It cannot be effective. In that case it would be much better that the whole thing be dropped now. I for one am strongly for preserving those articles in Cochin itself. I know, Sir, of many old tarawads and family houses in Cochin which have

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[Mr. M. K. Raja]

preserved most invaluable manuscripts, manuscripts which are centuries old and which if they ever happen to see the light of enquiry and research would astound many of the research workers all the world over. I know of one particular place, in my own place, a Nambudiri Illom where there were antiquarian manuscripts of most invaluable worth. The old Nambudiri gentleman who was the karanavan of that House was approached by one adventurer from Travancore. The Nambudiri did not have any idea of the real worth of the manuscripts. He weighed them in the balance and gave them away for a paltry sum of a couple of hundred of rupees as if they were mere scrap. It is necessary to prevent such transactions being made illicitly and illegally and behind the back of the Government and therefore I am one with those who welcome this measure.

I must also refer to the apprehension referred to by the Hon'ble Lady Member. I think that is unfounded. A reference to section 8 will convince her that no suit or action will be taken against a person who indulges in an offence which is punishable under this Act in good faith. Section 8 says "No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act".

**Mr. P. Govinda Menon** *(Ernakulam)* : That usually finds in many Acts. If the authority appointed by the Government under this Act does a certain thing in good faith and ultimately it is proved that what he did was wrong, then no action will lie against him.

**Mr. M. K. Raja** *(Mulakunnathukavu)*: In any case, there is no cause for an apprehension in this matter justifying the dropping of this Bill altogether or to defeat the purpose of this Act. Amendments can be moved to take away the causes for real apprehension in regard to this matter. I must also say that I am against the Government rushing through this Bill. It has been stated here that a similar measure is only under the consideration of the Dominion Parliament. We do not know yet what vital amendments may be made therein the Bill. Though it is an innocent looking measure it creates a new penalty with a rather heavy punishment for it, for example, let us see what section 5 (1) says.—'If any person exports or attempts to export an antiquity in contravention of section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Cochin Sea Customs Act, XII of 1109, as applied by section 4, be punishable with imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both". Sir, the punishment which has been provided for in this section is in itself somewhat, terryfying in relation to the offence enunciated in section 3. And the measure becomes all the more dangerous because I do not find in this Act any provision as to the date from which this Act is supposed to come into being. It may be the Sign Manual date. So as soon as this Bill is passed and it gets the assent of His Highness it may become law and it is not difficult to rope many an innocent person into the ambit of the sections of this Act and punish them for certain offences which they really may not have committed knowingly. I would therefore request the Government to be satisfied with introducing this measure at this stage and postpone consideration to a later time. That will give us sufficient time also to study the measures and suggest amendments that might be necessary. I support this measure.

**Mr. P. Raman Menon** *(Advocate-General)*: With regard to my Hon'ble friend's suggestion not to rush through this Bill, for his information I may submit that the Central Indian Government have already adopted this measure. It was under consideration there when the Bill was drafted here and hence it was stated like that in the statement of objects and reasons. The Bill has been passed there in this form. If you are insistent about postponing it, the Government have no objection.

*Motion put and carried.*

**Secretary to the Council** : The title of the Bill is The Cochin Antiquities (Export Control) Bill.

**Mr. Parambi Lonappen** *(Minister for Revenue)*: We do not wish to rush through this Bill. If necessary, it may be referred to a Select Committee consisting of Mr. Raja, Mrs. Francis, the mover, and the Advocate-General and Mr. Govinda Menon.

**Mr. P. Govinda Menon** *(Ernakulam)* Mr. Raja is sufficient.

**Mr. Parambi Lonappen** (*Minister for Reveue*) : Or Mr. Ezhuthassan. The Committee will consist of Mr. Raja. Mrs. Francis, the mover, Advocate-General and Mr. Ezhuthassan.

**Mr. President** : Who is the Chairman ?

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**Mr. Parambi Lonappen** *(Minister for Revenue)*: The Minister for Revenue.

**Mr. President:** Time?

**Mr. Parambi Lonappen** (*Minister for Revenue*): At the most, two months.

*Motion, put and carried.*

## 10. The Cochin Rubber (Production and Marketing) Bill

**Mr. Parambi Lonappen** *(Minister for Revenue):* I move that the Cochin Rubber (Production and Marketing) Bill be read in Council.

**Rao Bahadur T. K. Nayar** *(Prime Minister):* I second it.

*Mr. Parambi Lonappen** *(Minister for Revenue):* The Indian Dominion after holding a conference in which all interests of rubber industry in India were represented have decided to set up a statutory organisation to look after the interests of the rubber producers of India. The function of the board constituted under the Act is to advise Government on imports and exports of rubber, promote efficient marketing of Indian Rubber, recommend fair prices, promote research and do such things as may be necessary for the development of Industry. The Government of India have asked this Government to collaborate with them and this Government have agreed. The Bill is on the lines of the one enacted in Travancore.

**Mr. P. Govinda Menon** *(Ernakulam):* In the conference referred to in the Statements of Objects and Reasons, Sir, was Cochin represented?

**Mr. Parambi Lonappen** *(Minister for Revenue):* No.

*Motion put and carried.*

**Secretary to the Council:** The title of the Bill is The Cochin Rubber (Production and Marketing) Bill.

**Mr. Parambi Lonappen** *(Minister for Revenue):* I request that Standing Order 32 may be suspended.

**Mr. President:** Standing Order 32 is suspended.

**Mr. Parambi Lonappen** *(Minister for Revenue):* I move that the Bill be taken into consideration.

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it.

*Motion put and carried.*
*Clauses 2 to 24 put and carried*
*Clause 1 put and carried*
*Title and preamble put and carried.*

**Mr. Parambi Lonappen** *(Minister for Revenue):* I move that the Bill may be taken up and finally passed at the next meeting of this Legislative Session.

*Motion put and carried.*

## 11. The Cochin Penal Code (Amendment) Bill

**Mr. P. Raman Menon** *(Advocate-General):* I move that the Cochin Penal Code (Amendment) Bill be read in Council.

**Mr. M. Sivarama Menon** *(Constitutional Adviser):* I second it.

**Mr. P. Govinda Menon** *(Ernakulam):* May I request the Government to give us a very clear account in detail about the various provisions proposed in this Bill.

**Mr. P. Raman Menon** *(Advocate-General):* The immediate provocation for this amendment was the abolition of the capital punishment.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkanheri):* May I know when that notable event took place? About what year?

**Mr. P. Raman Menon** *(Advocate-General):* It was in the year 1120.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* Much earlier. I know the date. It was the birthday boon of one Maharaja.

**Mr. P. Raman Menon** *(Advocate-General):* I am told so. I may say that you are wrong and I am right.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancheri):* You have given me an incorrect answer and still you are saying that you are right.

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*Speech not corrected by the Hon'ble Member.

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Madras, According to the present Bill the duty is to be levied on licensees selling electrical energy. This duty will not be allowed to be passed on to the consumers. Provision, has however, been made to enable the licensee to reimburse himself from the consumer in cases where such reimbursement is permitted by Government for any sufficient reason. It is also provided that no duty shall be levied from any licensee on sale of electrical energy at less than two annas per unit. The Bill is a close adaptation of the Madras Electricity Duty Act, V of 1939

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## APPENDIX VII

## THE COCHIN CATTLE DISEASES PREVENTION ACT (AMENDMENT) BILL

*Preamble.*—Whereas it is deemed necessary to amend the Cochin Cattle Diseases Prevention Act, II of 1093, for the purpose herein-after appearing; It is hereby enacted as follows.—

1. *Short title.*—This Act may be called the Cochin Cattle Diseases Prevention (Amendment) Act, of 112 .

2. *Amendment of section 21.*—For clause (*a*) of section 21 of the Cochin Cattle Diseases Prevention Act, II of 1093, the following shall be substituted; namely.—

"(*a*) Government may, from time to time make and prescribe such rules as they may deem necessary for the proper and effectual working of the provisions of this Act and for the more effectually preventing the spreading of infectious or contagious diseases among animals; provided that such rules shall not be repugnant to the provisions of this or any other Act.

Such rules when made and prescribed shall be published in the Cochin Government Gazette, and shall have the force of law".

*Statement of Objects and Reasons*

The Animal Husbandry Wing of the Board of Agriculture and Animal Husbandry in India has suggested to the various Provinces and States in India to take action for the following purposes.—

(1) The Veterinary Departments of Provinces/States should be empowered to restrict the movement of cattle to or from melas, fairs and shows or to ban such fairs or markets in the face of an outbreak of a specified or scheduled contagious disease;

(2) That on the recommendation of the Provincial/State Veterinary Departments, all cattle entering a show, *mela* or *mandi* should be immunised with anti-rinderpest, serum to produce passive immunity and where practicable they should also be actively immunised.—

This suggestion has been made after reviewing the effectiveness or otherwise of the prohibition introduced during the war period by certain Provinces and States on the inter-provincial/State movement of cattle on the incidence of contagious diseases.

It is proposed to accept this suggestion and amend the Cattle Diseases Prevention Act to empower Government to frame the necessary rules by which the above suggestions could be implemented. Hence the Bill.

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## APPENDIX VIII

### The Cochin Antiquities (Export Control) Bill

Whereas it is expedient to make better provision for controlling the export of objects of antiquarian or historical interest or significance; It is hereby enacted as follows.—

1. *Short title and extent.*—(1) This Act may be called the Cochin Antiquities (Export Control) Act, of 112 .

(2) It extends to the whole of Cochin State.

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2. *Interpretation.*—In this Act, unless there is anything repugnant in the subject or context,—

(*a*) "antiquity" includes—

(*i*) any coin, sculpture, manuscript, epigraph, or other work of art or craftsmanship,

(*ii*) any article, object or thing detached from a building or cave,

(*iii*) any article, object or thing illustrative of science, art, crafts, literature, religion, customs, morals or politics in bygone ages.

(*iv*) any article, object or thing declared by Government by notification in the Cochin Government Gazette to be an antiquity for the purposes of this Act,—which has been in existence for not less than one hundred years;

(*b*) "export" means export from Cochin State by sea, land or air.

3. *Prohibition of export.*—No person shall export any antiquity except under the authority of a license granted by Government.

4. *Application of Act XII of 1109.*—All antiquities the export of which is prohibited under section 3 shall be deemed to be goods of which the export has been prohibited under section 18 of the Cochin Sea Customs Act, XII of 1109, and all the provisions of that Act shall have effect accordingly, except that, the provisions of section 182 of that Act notwithstanding any confiscation authorised under that Act shall be made, unless Government, on application to them in such behalf, otherwise direct.

5. *Penalty and procedure.*—(1) If any person exports or attempts to export an antiquity in contravention of section 3, he shall, without prejudice to any confiscation or penalty to which he may be liable under the provisions of the Cochin Sea Customs Act, XII of 1109, as applied by section 4, be punishable with imprisonment for a term which may extend to one month, or with fine which way extend to five thousand rupees, or with both.

(2) No Court shall take cognizance of an offence punishable under this section except upon complaint in writing made by an officer generally or specially authorised in this behalf by Government, and no Court inferior to that of a Magistrate of the first class shall try any such offence.

6. *Power to determine whether or not an article is an antiquity.*—If any question arises whether any article, object or thing is or is not an antiquity for the purposes of this Act, it shall be referred to the Government Archaeologist, and his decision thereon shall be final.

7. *Power to make rules.*—(1) Government may, by notification in the Cochin Government Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may prescribe the procedure for granting licences for the export of antiquities, and fix the fees payable on applications therefor,

8. *Protection of action taken under this Act.*—No suit, prosecution or other legal proceeding shall lie against any person for anything in good faith done or intended to be done under this Act.

9. *Application of other laws not barred.*—The provisions of this Act shall be in addition to, and not in derogation of, the provisions of the Ancient Monuments Preservation Act, XI of 1110, or any other law for the time being in force.

*Statement of objects and Reasons*

The Indian Dominion has recently introduced a measure with a view to prevent the free flow out of the country of valuable objects of antiquarian or historical interest. It is considered necessary to enact a similar measure in this State also. Hence the Bill.

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## APPENDIX IX

## THE COCHIN RUBBER (PRODUCTION AND MARKETING) BILL

*Preamble.*—Whereas it is expendient to provide for the development under Government control of the rubber industry so far as regards the production and marketing of rubber, and for



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